

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
**U.S. Department of the Interior**  
**Bureau of Land Management**  
**Las Cruces District Office**

**NEPA Log Number:** DOI-BLM-NM-030-2009-053-DNA

**Casefile/Project Number:** Grazing Permit No. 03035

**Proposed Action Title/Type:** Grazing permit renewal for Nutt Allotment

**Location/Legal Description:** The allotment includes public land on portions of:

T. 20 S., R. 5 W., Section 30

T. 20 S., R. 6 W., Section 24

T. 21 S., R. 5 W., Section 9

**Counties:** Luna County, New Mexico

**Applicants:** Grazing Permittees for Nutt Allotment

**Name of BLM Preparer:** Marcia Whitney, Rangeland Management Specialist

**A. Description of the Proposed Action:**

The Nutt Allotment No. 03035 is a Section 3 grazing allotment under the Taylor Grazing Act. The allotment is designated in the “M” Maintain selective management category. The allotment was analyzed for a 10-year term grazing permit renewal in Environmental Assessment (EA) NM-030-99-042, signed February 5, 1999. The permit is scheduled for renewal.

The proposed action is to renew the 10-year term permit for Nutt Allotment No. 03035 to authorize 4 Cattle Yearlong, 48 Federal AUMs, March 1 to February 28 each year, billed at 100 percent public land use.

The previous permit stipulated that, “Actual livestock use information must be submitted upon request.” The proposed decision for the 1999 permit reissuance also stated, “You will be authorized to place supplemental feeds such as salt, minerals, vitamins and protein, in block or liquid form on Public lands. Maintenance feeding of livestock will not be allowed on public land.”

The new permit would incorporate the following terms and conditions:

The permittee shall turn in actual use data to the BLM within 15 days, upon request.

Placement of supplemental feeds such as salt, mineral, vitamins, and protein, in block or liquid form, is authorized on public land. Placement in or near any visible archeological site will be restricted. Supplemental feeding shall be defined as providing stock a small amount of high protein feed (containing at least 15-30 percent protein and provided at a rate of no more than 3 lbs./day/head) to assist in the metabolism of dry forage. Supplements shall be placed in upland locations, away from channels, and in places where congregation of livestock will not lead to adverse impacts to soil and water resources.

Maintenance feeding of livestock with access to public land is prohibited. Maintenance feeding shall be defined as providing livestock with feed to assist in meeting their basic caloric needs, provided at a rate of 3 lbs./day/head or more.

Grazing will be in accordance with the proposed action and mitigating measures identified in EA-NM-030-99-042 and DOI-BLM-NM-030-2009-053-DNA

The terms of the permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

## **B. Land Use Plan (LUP) Conformance**

**LUP Name:** Mimbres Resource Management Plan Approved December 1993

**LUP Name:** ROD Standards and Guidelines for Public Land Health Approved January 2001

In addition, two Environmental Impact Statements (EISs) addressing the grazing program within the area of the proposed action were completed. These are the Southern Rio Grande EIS (BLM 1981) and the Las Cruces/Lordsburg Management Framework Plan Amendment EIS (BLM 1984).

**The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):**

The proposed decision is in conformance with Decision #42 in the Mimbres RMP. This decision allows for reissuance of grazing permits and leases.

## **C. List and Attach Other Documents**

All applicable NEPA documents that cover the proposed action:

- EA-NM-030-99-042, Permit Renewal for Nutt Allotment No. 03035, signed February 5, 1999.
- Finding of No Significant Impact, signed February 10, 1999.
- Notice of Proposed Decision, issued February 10, 1999.

**List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).**

Two compliance inspections are documented for the allotment during the period between February 10, 1999 and the present, dated December 6, 2006 and July 1, 2009. These documents are found in the allotment monitoring file, at the Las Cruces District Office (LCDO).

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)?**

Yes, the new action is the same as that specifically previously analyzed in EA-NM-030-99-042. The same class and number of livestock and the same season of use are proposed. Terms/conditions have been added to the permit, but do not change the analysis of the proposed action.

**2. Is the project within the same analysis area?**

Yes, the proposed action is for the same grazing allotment and the same lands and locations which were specifically analyzed in EA-NM-030-99-042.

**3. Is the *range* of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes, the range of alternatives that were analyzed in EA-NM-030-99-042 is still appropriate. A proposed action and a no action alternative were analyzed. NEPA scoping by BLM specialists brought no new differences or issues to light that would create a need for additional alternatives.

**4. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the existing analysis is valid. The environmental concerns, resource values, circumstances and interests are the same.

No new rangeland improvements have been permitted within this allotment since the completion of the permit renewal EA in 1999. No actual grazing use information is documented over the past 10 years for the allotment, nor the collection of any new rangeland monitoring information.

Billing records for the allotment show that full numbers have been paid for each year, during the previous term permit, until this year (2009-2010), when nonuse has been approved. This allotment is billed for 100 percent of the carrying capacity of the public land acres. Livestock have access to additional acreage, so, billed numbers are unlikely to reflect changes in total herd numbers over the years, in response to climatic conditions.

The 2006 supervision inspection noted the presence of a small number of cattle. No stock were noted in the 2009 inspection, however, adequate forage and the availability of water were.

It is standard operating procedure to complete archeological studies for newly proposed rangeland improvement projects, such as watering locations. In the past, cultural surveys have not usually been completed for supplementing and salting sites, as such sites do not often require installation of equipment. Supplements are typically set directly on the ground, or placed in removable containers.

Even though no installations are required, damage can occur to archeological sites due simply to the impact of livestock traveling across supplementation locations and congregating upon them. Avoidance of archeological sites is the primary form of mitigation recommended. Therefore, as part of the mitigation measures for the proposed action, placement in or near any visible archeological site would be restricted.

Currently there are no livestock watering facilities on public land, however, should any be permitted, wildlife escape ramps would be installed and maintained to BLM specifications on all water troughs and open storage tanks

These requirements would not change the analysis of EA-NM-030-99-042 and the impacts associated with re-issuance of the permit would not be different than those previously analyzed.

**5. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes, the direct, indirect and cumulative effects that would result from re-issuance of the grazing permit are the same. The proposed action is to authorize continued grazing of the same class, frequency, level and number of livestock on the Nutt Allotment No. 03035. The impacts associated with grazing are not anticipated to change as a result of the proposed action.

Cumulative effects of livestock grazing have been assessed in the Las Cruces/ Lordsburg Resource Area Final Management Framework Plan Amendment Environmental Impact Statement. Additional cumulative impacts from the proposed action are addressed in more detail in the Mimbres Resource Area Resource Management Plan and the Las Cruces/Lordsburg Environmental Impact Statement.

Past activities occurring on and near the allotment includes livestock and wildlife grazing, fence building, farming, recreation, hunting, railroad construction and use, and the construction and use of roads.

Present and reasonably foreseeable activities include various types of recreation, farming, road and railroad use and maintenance, livestock grazing, and associated livestock management activities. These activities are associated with some degree of ground disturbance and erosion. Some taking of part of the animal population (quail, deer etc.) could occur, due to hunting.

Rangeland conditions would be expected to remain static, and no new impacts would be expected upon implementation of the proposed action.

**6. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes, the public involvement and interagency review associated with EA-NM-030-99-042 is adequate for the current proposed action. The EA was sent out to the interested public for a 30-day comment period. No comments were received. The Notice of Proposed Decision issued February 10, 1999 was issued for a 15-day protest period and a 30-day appeal period. The decision was neither protested nor appealed.

**E. Persons/Agencies/BLM Staff Consulted**

For the currently proposed action:

**Table 1 BLM Staff Consulted**

Name	Title	Resource Represented
Steven Torrez	Wildlife Biologist	Wildlife/Special Status Species
Tom Holcomb	Archeologist	Cultural Resources
Phil Smith	Rangeland Management Specialist	Vegetation/Livestock/Weeds
Adam Merrill	Geologist	Minerals
Lorraine Salas	Realty Specialist	Lands/Realty
Joe Sanchez	Natural Resource Specialist	Recreation/Visual/Wilderness
Bruce Call	Soil Scientist	Soils/Water/Air
David Jevons	Hazardous Materials Coordinator	Hazardous Materials

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**G. Mitigation Measures**

**List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented:**

According to the Code of Federal Regulations 4130.3-2, "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management

objectives, provide for proper range management or assist in the orderly administration of the public rangelands. These may include but are not limited to:

(c) Authorization to use, and directions for placement of supplemental feed.”

To mitigate potential impacts to cultural resources, and to define when and how supplements may be provided on the public land, the following would be made a term and condition of the lease:

- Placement of supplemental feeds such as salt, mineral, vitamins, and protein, in block or liquid form, is authorized on public lands. Placement in or near any visible archeological site will be restricted. Supplemental feeding shall be defined as providing cattle a small amount of high protein feed (containing at least 15-30 percent protein and provided at a rate of no more than 3 lbs./day/head) to assist cattle in the metabolism of dry forage. Supplements shall be placed in upland locations away from channels, and in places where congregation of livestock will not lead to adverse impacts to soil and water resources.
- Maintenance feeding of livestock with access to public lands is prohibited. Maintenance feeding shall be defined as providing livestock with feed to assist in meeting their basic caloric needs, provided at a rate of 3 lbs./day/head or more.

This requirement would not change the conclusions found in the analysis of EA-NM-030-99-042.

**H. Conclusion** *(If one or more of the above criteria is not met, a new EA or EIS must be prepared.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation cited herein fully covers the proposed action and constitutes BLM’s compliance with the requirements of NEPA.

Project Lead: Marcia Whitney /s/

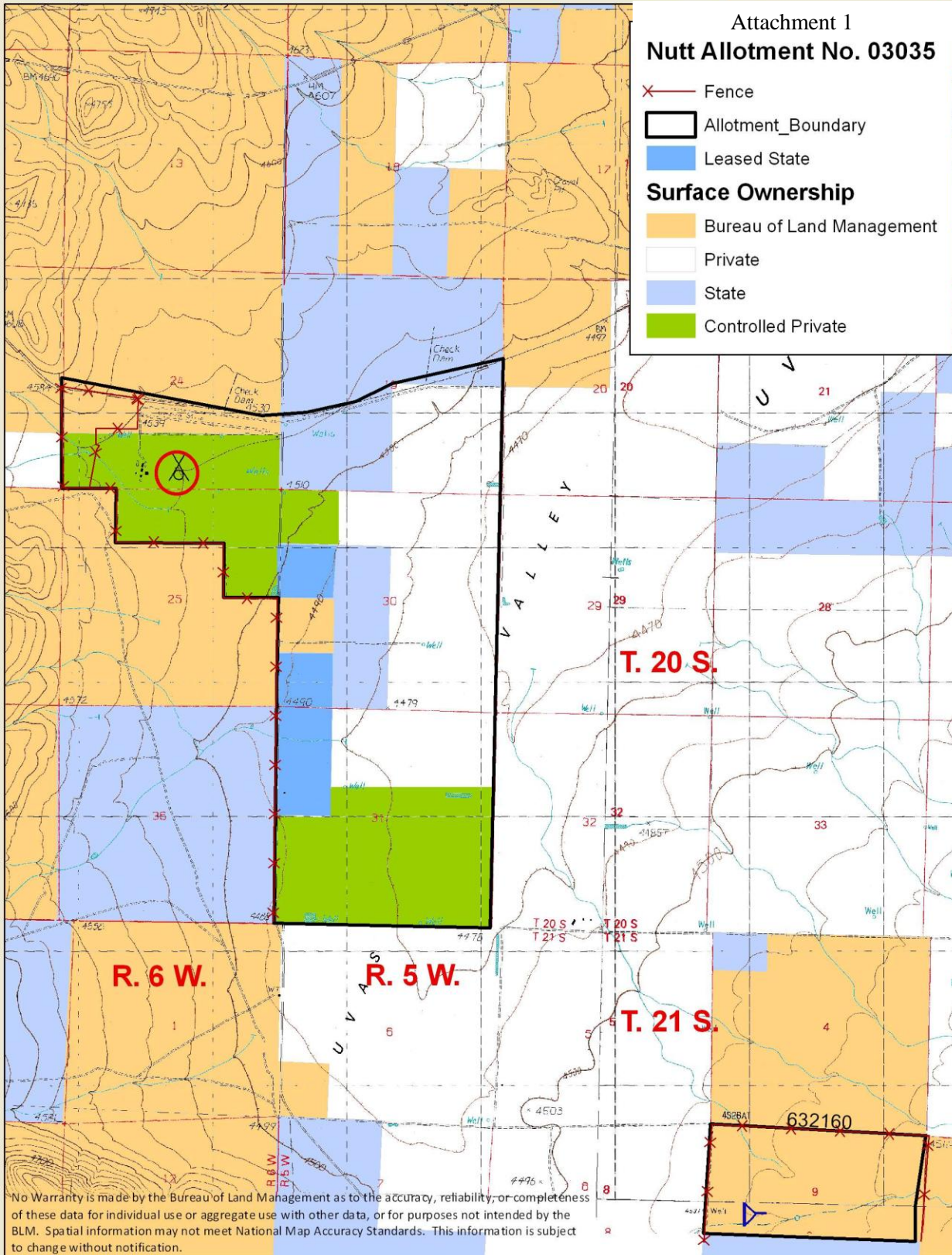
NEPA Coordinator: Jennifer Montoya /s/

Assistant District Manager: Jim C. McCormick Jr. /s/ Date: 7/30/09

**Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal.**

Attachment 1  
Nutt Allotment No. 03035

- ✕ Fence
- Allotment\_Boundary
- Leased State
- Surface Ownership**
  - Bureau of Land Management
  - Private
  - State
  - Controlled Private



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data, or for purposes not intended by the BLM. Spatial information may not meet National Map Accuracy Standards. This information is subject to change without notification.